

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA**

ELIZABETH GIRARD; BEULAH  
SLESSER; and SUZANNE MCLEOD, as  
Personal Representative of the Estate of  
Hansell B. Malone, III,

Plaintiff,

vs.

UNITED STATES OF AMERICA,

Defendant.

Civil Action No.: 2:22-cv-00022-FL

GISELE GUTHRIE; SANDRA GORDON;  
BRENDA BRUNDAGE; CARLEEN  
BURWELL; DONNA ALTMAN; and  
JOANN DUNCAN,

Plaintiff,

vs.

UNITED STATES OF AMERICA,

Defendant.

Civil Action No.: 4:22-cv-00097-D-RN

DAVID FANCHER; LEE FUTRELL;  
JOHN ORUE; CRAIG UNTERBERG;  
ARIEL ALVARADO; DENNIS TOLES;  
CAROLE CARLSON; and DENNIS  
MONROE,

Plaintiff,

vs.

UNITED STATES OF AMERICA,

Defendant.

Civil Action No.: 5:22-cv-00315-D-RN

ISAAH WILSON, JR., as Personal  
Representative of the Estate of  
Jerome Wilson; and THELMA S. FIGGS, as  
Personal Representative of the Estate of  
Robert A. Figgs, Sr.,

Plaintiff,

vs.

UNITED STATES OF AMERICA,

Defendant.

GLANZER FLOYD JOLLY; ANTHONY  
TAYLOR; PETER OPTEKAR; RONNIE  
BROPHY; DENNIS PETERSON;  
SILAS ROLLINS; and DONALD  
STRINGFELLOW,

Plaintiff,

vs.

UNITED STATES OF AMERICA,

Defendant.

CYNTHIA BLACKMER, AS  
REPRESENTATIVE OF THE ESTATE  
OF DAVID F. BLACKMER,  
FELICIA BAZEMORE, AS  
REPRESENTATIVE OF THE ESTATE  
OF ALLEN RAY HARDY,

Plaintiff,

vs.

UNITED STATES OF AMERICA,

Defendant.

Civil Action No.: 5:22-cv-00316-M-RJ

Civil Action No.: 5:22-cv-00317-M-RN

Civil Action No.: 7:22-cv-00123-FL

TIMOTHY PUGH,

Plaintiff,

VS.

UNITED STATES OF AMERICA,

Defendant.

Civil Action No.: 7:22-cv-00124-BO-BM

JOHN BELT, JR., JOYCE LUKEN, and  
BEVERLY MCCLAIN,

Plaintiff,

VS.

UNITED STATES OF AMERICA,

Defendant.

Civil Action No.: 7:22-cv-00125-D-RJ

THOMAS WHATLEY and FRED  
PALUMBO as personal representative of  
the estate of JOAN S. PALUMBO,

Plaintiff,

VS.

UNITED STATES OF AMERICA,

Defendant.

Civil Action No.: 7:22-cv-00126-D-BM

PHOEBE LYNN HEDGES

Plaintiff,

Civil Action No.: 7:22-cv-00127-BO-BM

vs.	)	
	)	
UNITED STATES OF AMERICA,	)	
Defendant.	)	
SHARON MASON as the Administrator for	)	
the Estate of RITA ROSEBERRY,	)	Civil Action No.: 7:22-cv-00128-FL
Plaintiff,	)	
vs.	)	
	)	
UNITED STATES OF AMERICA,	)	
Defendant.	)	
JERRY DEFORGE, JAMES FLENOURY,	)	
DAVID SHARPE, FRANCES CARTER as	)	Civil Action No.: 7:22-cv-00129-D-RN
Administrator for the Estate of RONALD	)	
CARTER, and JOEL PEDALINE,	)	
Plaintiff,	)	
vs.	)	
	)	
UNITED STATES OF AMERICA,	)	
Defendant.	)	
JACK GONZALEZ, WILLIAM	)	
MCDOWELL and KATHRYN PIRNIA,	)	Civil Action No.: 7:22-cv-00130-D-KS
Plaintiff,	)	
vs.	)	
	)	
UNITED STATES OF AMERICA,	)	
Defendant.	)	

JEROME M. ENSMINGER, as Personal  
Representative of the Estate of Jane  
Ensminger; ISIAH LAWSON, as Personal  
Representative of the Estate of Gertrude  
Lawson; KERRICK W. BREEN, as Personal  
Representative of the Estate of Christine M.  
Breen; DANIEL WAX; and  
RANDY FLOYD,

Plaintiff,

vs.

UNITED STATES OF AMERICA,

Defendant.

MICHAEL SEAN PARTAIN; DARLENE  
BROOKS, as Personal Representative of the  
Estate of James Brooks, Jr.; LAWRENCE  
EVANS; and KRIS THOMAS,

Plaintiff,

vs.

UNITED STATES OF AMERICA,

Defendant.

WILSON MERCADO

Plaintiff,

vs.

UNITED STATES OF AMERICA,

Defendant.

Civil Action No.: 7:22-cv-00131-BO-RJ

Civil Action No.: 7:22-cv-00132-D-RJ

Civil Action No.: 7:22-cv-00133-BO-RJ

CLAUDIA MCCLARRIN, LINDA CRISP )  
as representative of the Estate of Michelle ) Civil Action No.: 7:22-cv-00135-FL  
Causey and PATRICIA WARREN as )  
Representative of the estate of ROSEANNE )  
WARREN )

Plaintiff, )

vs. )

UNITED STATES OF AMERICA, )

Defendant. )

RONNIE MANNS, )

Plaintiff, ) Civil Action No.: 7:22-cv-00136-M-RJ

vs. )

UNITED STATES OF AMERICA, )

Defendant. )

TAMMY PRISNER, )  
EDWARD LUTHY, JR., as the Administrator ) Civil Action No.: 7:22-cv-00137-BO-RJ  
for the Estate of Charlotte Luthy, Deceased, )  
MELODY RICHARDS, )

Plaintiff, )

vs. )

UNITED STATES OF AMERICA, )

Defendant. )

ANDREA WEINER f/k/a ANDREA )  
MICHELE BYRON, ) Civil Action No.: 7:22-cv-00139-FL

Plaintiff, )

vs.

UNITED STATES OF AMERICA,

Defendant.

ALFRED BENSON; JOSEPHINE  
DELVALLE, as Personal Representative  
of the Estate of Raymond DelValle;  
THOMAS CLARK; JOHN ROY,  
and PATTY JESSUP, as Personal  
Representative of the Estate of Gary  
Jessup, Sr.

Plaintiff,

vs.

UNITED STATES OF AMERICA,

Defendant.

SANDRA CLINE and MARK PERRY,

Plaintiff,

vs.

UNITED STATES OF AMERICA,

Defendant.

DONALD STRINGFELLOW, ON BEHALF  
OF HIMSELF AND ALL OTHERS  
SIMILARLY SITUATED,

Plaintiff,

Civil Action No.: 7:22-cv-00140-BO-KS

Civil Action No.: 7:22-cv-00141-D-RN

Civil Action No.: 7:22-cv-00145-M-KS

vs.

UNITED STATES OF AMERICA,

Defendant.

CATHLENE BREWER, JEFFREY  
HOPKINS, JAMES T. MAXWELL,  
SHERRY A. MILLER,  
GENA M. PARKHURST,

Plaintiff,

vs.

UNITED STATES OF AMERICA,

Defendant.

STEPHEN ISAKSEN,  
as representative of the estate of PATRICIA  
A. ISAKSEN,

Plaintiff,

vs.

UNITED STATES OF AMERICA,

Defendant.

ELIZABETH S. AKERS as Personal  
Representative of the Estate of PAUL C.  
AKERS

Plaintiff,

vs.

UNITED STATES OF AMERICA,

Defendant.

Civil Action No.: 7:22-cv-00150-M-BM

Civil Action No.: 7:22-cv-00153-D-KS

Civil Action No.: 7:22-cv-00154-M-RJ



## **PLAINTIFFS' AND DEFENDANT'S JOINT MOTION FOR CONSOLIDATION**

Plaintiffs in the above-captioned cases (“Plaintiffs”), together with the Defendant United States of America (the “government”), hereby submit the following Joint Motion for Consolidation regarding current and future cases brought under the Camp Lejeune Justice Act of 2022 (the “CLJA”), pursuant to Federal Rule of Civil Procedure 42(a).

### **The Motion**

1. Plaintiffs have filed suit under the CLJA.
2. The government has previously stated that over one million Marines and their families were potentially affected by the toxic drinking water at Camp Lejeune. Plaintiffs believe that hundreds of thousands of additional individuals have claims and may ultimately file suit against the government asserting a cause of action under the CLJA.
3. The CLJA creates a new and unique cause of action for exposure to toxic water supplied by the government at Camp Lejeune, North Carolina.
4. Cases under the CLJA, including Plaintiffs’ cases, will involve numerous common issues of law and fact.
5. Consolidation will not prejudice any party, including the government. To the contrary, consolidation will save the Court and the parties considerable time and expense and will limit the risk of duplication and inconsistent rulings.

For the reasons stated herein and in the accompanying Memorandum, the Plaintiffs, together with the United States, jointly request that the Court adopt and enter the proposed order,

attached as Exhibit A, consolidating cases brought under the CLJA, which is filed simultaneously herewith.<sup>1</sup>

Respectfully submitted by each Plaintiff's counsel, as docketed in their respective cases, and by the United States.

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<sup>1</sup> The United States maintains that Plaintiffs have not yet complied with section 2675 of title 28 of the United States Code, as required by the CLJA. Plaintiffs disagree and maintain that they have already presented their claims to the Department of the Navy once and are therefore not required to present them a second time. Nevertheless, Plaintiffs and the government jointly ask the Court to consolidate all CLJA cases in anticipation of such disputes, to expedite proceedings and save the parties and the Court significant time and expense.

Date: August 26, 2022

**BELL LEGAL GROUP, LLC**

/s/ Eric Flynn

Eric W. Flynn (N.C. Bar No.: 57615)

[eflynn@belllegalgroup.com](mailto:eflynn@belllegalgroup.com)

J. Edward Bell, III (to make special appearance)

[jeb@belllegalgroup.com](mailto:jeb@belllegalgroup.com)

219 Ridge Street

Georgetown, SC 29440

P: 843-546-2408

F: 843-546-9604

**KELLER POSTMAN LLC**

/s/ Zina Bash

Zina Bash

[zina.bash@kellerpostman.com](mailto:zina.bash@kellerpostman.com)

111 Congress Avenue, Suite 500

Austin, TX 78701

Phone: 512-620-8275

Texas State Bar No. 24067505

**THE DOWLING FIRM PLLC**

/s/ W. Michael Dowling

W. Michael Dowling

Post Office Box 27843

Raleigh, North Carolina 27611

Telephone: (919) 529-3351

Fax: (919) 529-3351

[mike@dowlingfirm.com](mailto:mike@dowlingfirm.com)

State Bar No. 42790

*LR 83.1(d) Counsel for Plaintiff (in association with Keller Postman LLC)*

**WAGSTAFF LAW FIRM**

/s/ Aimee Wagstaff

Aimee H. Wagstaff, Esq.

Colorado Bar No. 36819

[awagstaff@wagstafflawfirm.com](mailto:awagstaff@wagstafflawfirm.com)

Kristen Alkire, Esq. (NCSB 44168)

[kalkire@wagstafflawfirm.com](mailto:kalkire@wagstafflawfirm.com)

WAGSTAFF LAW FIRM

940 N. Lincoln Street

Denver, CO 80203

Phone: 303-376-6360

**MOTLEY RICE LLC**

/s/ Kevin R. Dean

Kevin R. Dean, Esq.

SC Fed. Bar No. 70347

Admitted GA, MS, SC Bar

John D. Hurst, Esq.

N.C. Bar No.: 37680

W. Christopher Swett, Esq.

28 Bridgeside Boulevard

Mount Pleasant, South Carolina 29464

Phone: (843) 216-9000

Fax: (843) 216-9450

[kdean@motleyrice.com](mailto:kdean@motleyrice.com)

[jhurst@motleyrice.com](mailto:jhurst@motleyrice.com)

[cswett@motleyrice.com](mailto:cswett@motleyrice.com)

**QUINN EMANUEL URQUHART &  
SULLIVAN, LLP**

/s/John. F. Bash

John F. Bash

Texas Bar No. 24067504

[johnbash@quinnemanuel.com](mailto:johnbash@quinnemanuel.com)

300 W. 6th St.

Austin, TX 78701

Phone (737) 667-6100

Adam Wolfson, California Bar No. 262125

[adamwolfson@quinnemanuel.com](mailto:adamwolfson@quinnemanuel.com)

865 S. Figueroa St., 10th Floor

Los Angeles, CA 90017

Phone (213) 443-3000

**LIEFF CABRASER HEIMANN &  
BERNSTEIN, LLP**

/s/Elizabeth J. Cabraser

Elizabeth J. Cabraser

[ecabraser@lchb.com](mailto:ecabraser@lchb.com)

Lexi J. Hazam

[lhazam@lchb.com](mailto:lhazam@lchb.com)

275 Battery Street, 29th Floor

San Francisco, CA 94111

Phone: (415) 956-1000

Fax: (415) 956-1008

**THE NATIONS LAW FIRM**

/s/Howard L. Nations

Howard L. Nations

Texas State Bar No. 14823000

[Nations@howardnations.com](mailto:Nations@howardnations.com)

9703 Richmond Ave, Suite 200

Houston, TX 77042

Phone: (713) 807-8400

**PARKER WAICHMAN LLP**

/s/Jerrold S. Parker

Jerrold S. Parker

Raymond C. Silverman

6 Harbor Park Drive

Port Washington, NY 11050

Tel: (516) 466-6500

Fax: (516) 466-6665

[jerry@yourlawyer.com](mailto:jerry@yourlawyer.com)

**ONDER LAW, LLC**

/s/James G. Onder

James G. Onder

Missouri State Bar No. 38049

[onder@onderlaw.com](mailto:onder@onderlaw.com)

Michael C. Pagan

Missouri State Bar No. 54827

[pagan@onderlaw.com](mailto:pagan@onderlaw.com)

110 East Lockwood, 2nd Floor

Saint Louis, MO 63119

(314) 963-9000

Fax: (314) 963-1700

**LEVIN PAPANTONIO RAFFERTY  
PROCTOR BUCHANAN O'BRIEN  
BARR & MOUGEY, P.A.**

/s/Brian Barr

Brian Barr

[bbarr@levinlaw.com](mailto:bbarr@levinlaw.com)

Sara Papantonio

[spapantonio@levinlaw.com](mailto:spapantonio@levinlaw.com)

316 S. Baylen Street, Suite 600

Pensacola, FL 32502

850-435-7000

**WATTS GUERRA LLC**

/s/Mikal Watts

Mikal Watts

Texas State Bar No. 20981820

5726 W. Hausman Dr., Suite 119

San Antonio, Texas 78249

Tel: (210) 447-0500

Fax: (210) 447-0501

[mcwatts@wattsguerra.com](mailto:mcwatts@wattsguerra.com)

**MARCARI RUSSOTTO SPENCER &  
BALABAN**

/s/ Jonathan W. Martin

David W. Spencer

NC State Bar No.: 21053

Donald W. Marcari

NC State Bar No.: 13029

Jonathan W. Martin

NC State Bar No.: 49381

[rsilverman@yourlawyer.com](mailto:rsilverman@yourlawyer.com)

**ROMANO LAW GROUP**

/s/ John F. Romano

John F. Romano

Florida Bar No. 175700

[john@romanolawgroup.com](mailto:john@romanolawgroup.com)

Marjorie Levine

Florida Bar No. 96413

[marjorie@romanolawgroup.com](mailto:marjorie@romanolawgroup.com)

P.O. Box 21349

West Palm Beach, FL 33416

Phone: 561-533-6700

Fax: 561-533-1285

2443 Lynn Road, Suite 208

Raleigh, NC 27612

Tel: (919) 787-0989

Fax: (919) 845-5500

Email: [davids@mrslawfirm.com](mailto:davids@mrslawfirm.com)

Email: [donm@mrslawfirm.com](mailto:donm@mrslawfirm.com)

Email: [jonathanm@mrslawfirm.com](mailto:jonathanm@mrslawfirm.com)

**LEWIS & ROBERTS, PLLC**

/s/ James A. Roberts, III

James A. Roberts, III (N.C. Bar No. 10495)

[jar@lewis-roberts.com](mailto:jar@lewis-roberts.com)

Matthew D. Quinn (N.C. Bar No. 40004)

[mdq@lewis-roberts.com](mailto:mdq@lewis-roberts.com)

3700 Glenwood Avenue, Suite 410

P.O. Box 17529

Raleigh, NC 27619-7529

(919) 981-0191

Fax: (919) 981-0199

**WARD AND SMITH, P.A.**

/s/A. Charles Ellis

A Charles Ellis

N.C. State Bar ID No.: 010865

Post Office Box 8088

Greenville, NC 27835-8088

Tel: (252) 215-4000

Fax: (252) 215-4077

**COUNSEL FOR THE DEFENDANT,  
UNITED STATES OF AMERICA**

BRIAN BOYNTON

Principal Deputy Assistant Attorney General

Civil Division

J. PATRICK GLYNN

Director, Torts Branch

BRIDGET BAILEY LIPSCOMB

Assistant Director

/s Adam Bain

ADAM BAIN

Senior Trial Counsel

IN Bar No. 11134-49

Civil Division, Torts Branch

U.S. Department of Justice

P.O. Box 340

Washington, D.C. 20044  
E-mail: [adam.bain@usdoj.gov](mailto:adam.bain@usdoj.gov)  
Telephone: (202) 616-4209